

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Robert Acosta,
Petitioner,

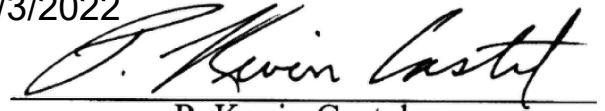
vs

United States of America,
Respondents
_____ /

Mr. Acosta may file his reply on or before
November 21, 2022.

SO ORDERED.

Dated 10/3/2022



P. Kevin Castel
United States District Judge

Civil No. 1:22-01774-PKC

Criminal No: 1:18-00080-PKC-1

**MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY
TO THE GOVERNMENT'S RESPONSE IN OPPOSITION**

COMES NOW, Robert Acosta, hereinafter known as petitioner, in pro se forma, respectfully requests this Honorable Court an 'Extension of Time' to file a diligent Reply to the Government's Response in Opposition filed in September 5th, 2022 (Dkt. 194) In support thereof petitioner avers:

1- Petitioner received the government's Response in the institutional mail on the 10th of September 2022. The government opposed to each of petitioner's arguments raised in the 2255 petition. Specifically, in its response the government included counsel(s), Wiensten and Koffsky, respective affidavits concerning petitioner's claims under ineffective assistance of counsel. (See, Response)

Mailed to Mr. Acosta on 10/3/2022

2- It is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read 'to raise the strongest arguments that they suggest.' See, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009); see generally *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) (per curiam). Pro se complaints should be read with "special solicitude" and should be interpreted to raise the "strongest [claims] that they suggest." *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2nd Cir. 2006).

3- The right to reply is an integral part of the Rules of Civil Procedure. More importantly, petitioner will submit family members version of facts concerning counsels' assertions contained in the affidavits submitted in the government's Response. Also, conditions of the pandemic and institution restrictions are still enforced where petitioner is currently housed.

4- Based on the above, petitioner seeks and extension of time of at least **sixty (60)** days to file a reply in the instant proceedings. Moreover, the time requested is necessary to prepare and adequate amended petition. See Pro Se Handbook -After Service of Process; Section E (a, ii).

WHEREFORE, for the foregoing reasons, petitioner prays this Honorable Court grants the following pro se request for an extension of time and/or grants any other relief this courts deems proper.

File on the 29 day of September 2022

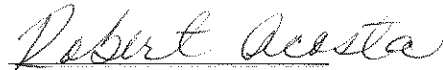
A handwritten signature in cursive script that reads "Robert Acosta". The signature is written in dark ink and is positioned above a horizontal line.

Robert Acosta

Petitioner Pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY under penalty of perjury that the following "Motion for an Extension of Time" is true and correct. Also, a copy of the foregoing motion was mailed first class and pre-paid to the United States Attorney's Office located at 1 St. Andrew's Plaza New York City, NY 10007.



Robert Acosta
Petitioner Pro Se
Register No: 79974-054
McCreary - USP
PO Box 3000
Pine Knot, KY 42635

KUBERT ACCOUNT
#7997-054 UNIT 2A
UNITED STATES DEPARTMENT OF JUSTICE
CLERK OF COURT
500 Pearl Street
New York, N.Y. 10007

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NEW YORK, N.Y. 10007



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